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7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF NEW JERSEY**

9 **THOMAS DELEO,** )  
10 ) **Case No.: 2:21-cv-3807**  
11 Plaintiff, )  
12 )  
13 v. )  
14 ) **COMPLAINT AND DEMAND**  
15 **NATIONAL REPUBLICAN** ) **FOR JURY TRIAL**  
16 **SENATORIAL COMMITTEE,** )  
17 )  
18 Defendant. )

19 **COMPLAINT**

20 THOMAS DELEO (“Plaintiff”), by and through his attorneys, KIMMEL &  
21 SILVERMAN, P.C., alleges the following against NATIONAL REPUBLICAN SENATORIAL  
22 COMMITTEE (“Defendant”):

23 **INTRODUCTION**

24 1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act  
25 (“TCPA”), 47 U.S.C. § 227 *et seq.*

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v.  
Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the State of New Jersey and as such, personal  
jurisdiction is established.



17. The actions described herein were in violation of the TCPA.

**COUNT I**  
**Defendants Violated the TCPA 47 U.S.C. § 227(b)**

18. Plaintiff incorporates the forgoing paragraphs as though the same were set forth at length herein.

19. The TCPA prohibits placing calls or text messages using an automatic telephone dialing system or automatically generated or prerecorded voice to a cellular telephone except where the caller has the prior express consent of the called party to make such calls or where the call is made for emergency purposes. 47 U.S.C. § 227(b)(1)(A)(iii).

20. Defendant initiated multiple text messages to Plaintiff's cellular telephone number using an automatic telephone dialing system.

21. Defendant's texts were not made for "emergency purposes."

22. Defendant's texts to Plaintiff's cellular telephones without any prior express consent.

23. Defendant contacted Plaintiff despite the fact that Plaintiff has been on the Do Not Call Registry.

24. Defendant's acts as described above were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the purpose of harassing Plaintiff.

25. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal defense, legal justification or legal excuse.



1 **Wherefore, Plaintiff, Thomas DeLeo, respectfully prays for judgment as follows:**

- 2 a. All actual damages Plaintiff suffered (as provided under 47 U.S.C. §
- 3 227(b)(3)(A));
- 4 b. Statutory damages of \$500.00 per violative telephone call (as provided
- 5 under 47 U.S.C. § 227(b)(3)(B));
- 6 c. Additional statutory damages of \$500.00 per violative telephone call (as
- 7 provided under 47 U.S.C. § 227(C);
- 8 d. Treble damages of \$1,500.00 per violative telephone call (as provided
- 9 under 47 U.S.C. § 227(b)(3));
- 10 e. Additional treble damages of \$1,500.00 per violative telephone call (as
- 11 provided under 47 U.S.C. § 227(C);
- 12 f. Injunctive relief (as provided under 47 U.S.C. § 227(b)(3) and (c); and
- 13 g. Any other relief this Honorable Court deems appropriate.
- 14
- 15

16 **DEMAND FOR JURY TRIAL**

17 PLEASE TAKE NOTICE that Plaintiff, THOMAS DELEO, demands a jury trial in this

18 case.

19 **CERTIFICATION PURSUANT TO L.CIV.R.11.2**

20 I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not

21 subject to any other action pending in any court, arbitration or administrative proceeding.

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RESPECTFULLY SUBMITTED,

DATED: 03/02/2021

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